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REMARKSRejections Under §102

Claims 1-10 and 26-28 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Elgamal, U.S. Patent No. 6,138,107. It is respectfully submitted that, while the Elgamal patent describes a system for the transfer of funds over a computer network (such as the Internet), it does not anticipate the system disclosed and claimed in the instant application.

It should be noted that Elgamal teaches a fundamentally different system, in which fund transfers are accomplished via a conversion process, in which real currency is converted into a pseudo-currency (referred to in the Elgamal patent as “electronic money”). *See, e.g.*, col. 6, ll. 20-25; col. 7, ll. 30-40. The “electronic money” is, in effect, an accounting system used by Elgamal’s system to track a large number of small transactions (“microtransactions”)—in fact, the purpose of Elgamal’s invention was to facilitate such microtransactions. *See* Elgamal, “Summary of the Invention,” col. 5, ll. 20-24. The instant invention was created to solve a different problem, operates in a different fashion, and does not convert real currency into pseudo-currency.

More specifically, Claim 1 of the instant application explicitly requires: “a gateway ... operative ... to receive incoming *funds* from the payor ...; to inform the user that the payor has provided an appropriate amount of *funds*; and to send corresponding outgoing *funds* to the user” It should be noted that the funds are transferred from the payor into “said at least one gateway account,” whereupon the gateway “inform[s] the user that the payor has provided an appropriate amount of funds.” Because these funds are transferred using a push-model transfer, rather than by the purchase orders used by Elgamal’s system, the user can be certain of

compensation much sooner than with a standard ACH transaction (such as a credit card purchase), or with a transfer using Elgamal's system (as specifically noted, for example, in col. 7, ll. 45-52).

This ability to provide the speed of electronic payments with the certainty of a cash purchase is a valuable advantage of the instant invention over the prior art, including Elgamal. Another advantage of the instant invention is improved privacy and security, because the payor need not provide information identifying his or her bank account, credit card number, or other such information. All that is necessary is that the payor set in motion the push-model transfer of funds, by whatever mechanism preferred (such as wire transfer). On the other hand, the instant invention provides for superior transfer of information between user and payor over that embedded in current domestic or international fund transfers.

Claims 1 and 10 have been amended herein to specifically require that the gateway is operative to receive fund transfers "via a push-model fund transfer," (such as an electronic order to transfer a specific amount of funds to a specific account). Because the cited references, including Elgamal, disclose only the pull-model transfers, which suffer from the shortcomings of other prior art fund transfer systems, including credit card payments, they do not teach or suggest this limitation. Claims 2-9 depend from Claim 1, and therefore include each of its limitations, including this one.

Claim 26 and its dependent, Claim 27, as originally written, specifically require that the gateway be operative to "receive incoming funds via a remote deposit from the payor." Again, the cited references do not teach or suggest the use push-model transfers, such as this one.

Applicant respectfully submits that, because they fail to teach or suggest the use of push-model transfers, the cited references do not anticipate the claims.

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Rejections Under §103

Claims 28-30 stand rejected under 35. U.S.C. § 103(a) as obvious in view of Elgarnal and U.S. Patent No. 5,659,165 to Jennings.

"To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation . . . to modify the reference. Second, there must be a reasonable expectation of success. Finally, the prior art [references] must teach or suggest all the claim limitations." MPEP § 2143.

Claims 28-30 each depend from Claim 26, and therefore, like Claim 26, specifically require that the gateway be operative to "receive incoming funds via a remote deposit from the payor." Again, the cited references do not teach or suggest the use push-model transfers, such as this one; Applicant therefore respectfully submits that a *prima facie* case for obviousness has not been made.

Conclusion

Applicant respectfully requests further examination and the issuance of a timely Notice of Allowance for the pending claims. If the Examiner believes that there are any matters that can be resolved by a telephonic interview, the undersigned would welcome a telephone call.

Respectfully submitted:



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